

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

STEPHANIE REYGADAS

PLAINTIFF

v.

No. 2:18-CV-02184

DNF ASSOCIATES LLC

DEFENDANT

ORDER

On September 13, 2019, Plaintiff filed a notice of acceptance of Defendant's offer of judgment. Judgment was entered in Plaintiff's favor, and Plaintiff filed a bill of costs and moved for attorney's fees. The Court referred the motion to United States Magistrate Judge Mark E. Ford pursuant to 28 U.S.C. § 636. On December 23, 2019, the Magistrate entered an order awarding Plaintiff attorney's fees in the amount of \$23,220 and costs in the amount of \$803.28. Defendant has now filed a motion (Doc. 62) to set aside the Magistrate's order. No response has been filed, and the deadline to respond has not passed, but no response is necessary. The motion will be denied.

Defendant argues that several of the time entries related to downloading documents in other cases were merely administrative nonlegal work for which no fee should be awarded or the fee should be reduced. The Magistrate reasoned that "the entries related to researching this factual issue [whether DNF was a debt collector] and obtaining documents in other DNF cases in Arkansas reflect time reasonably spent by Reygadas' counsel to support the position that DNF was a 'debt collector.'" (Doc. 61, pp. 10–11). The Court agrees with the Magistrate. Plaintiff's counsel was not merely downloading documents in other cases. The selection of which documents to download required comparison to this case and legal analysis to determine what persuasive effect, if any, those documents would have on Plaintiff's argument that DNF was a debt collector under the

statute. In no small part because that analysis concerned the central merits issue in this case, it appears to be legal in nature, and the Court does not find that the Magistrate's order "is clearly erroneous or contrary to law." 28 U.S.C. § 636(b)(1)(A).

IT IS THEREFORE ORDERED that Defendant's motion (Doc. 62) is DENIED.

IT IS SO ORDERED this 9th day of January, 2020.

/s/ P. K. Holmes, III
P.K. HOLMES, III
U.S. DISTRICT JUDGE